



# STAFF REPORT

**TO:** Council **MEETING DATE:** May 5, 2026  
**FROM:** Megan Uglen  
Planner 1 **FILE NO:** 3220-Gibsons Way-565  
**SUBJECT:** Development Variance Permit to reduce the required lot width to facilitate a subdivision

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## REPORT FOR DECISION

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### PURPOSE

The Town of Gibsons has received a Development Variance Permit (DVP) application to reduce the minimum lot width for an interior lot without a rear lane from 13 m to 10 m to facilitate a subdivision. The purpose of this report is to provide Council with the application details and to seek a decision on whether to grant the variance. Figure 1 shows the location of the parent parcel.



*Figure 1 - Location of parent property*

## **BACKGROUND**

The subject property currently has one detached dwelling on it. The applicant has informed staff that the house is currently unoccupied. This site has previous applications:

- ZA-2022-04 (rejected) – for two duplexes, with secondary suites in two units
- ZA-2025-06 (withdrawn) – for two triplexes
- OCP-2025-02 (withdrawn) – for two triplexes

The previous applications proposed a higher density than what zoning allowed, in the form of duplexes and triplexes for a total of six residential dwellings on the subject property. At the time this was too dense for the zoning and required rezoning, however, as we were nearing the completion of the new OCP and zoning bylaw, the applicant withdrew the application, in hopes that the implementation of small-scale, multi-unit housing would allow what is being proposed.

The recently adopted Zoning Bylaw No. 1342, 2025, allows up to four units on the property, and does not support six units. Therefore, the applicant proposes subdividing the property into two lots and building three units on each lot.

## **Proposal**

The applicant proposes to split the property into two and develop a triplex on each proposed lot. A variance is therefore requested to RL-1 for Section 2.2.1.8.5 to reduce the minimum lot width for an interior lot without a rear lane from 13 m to 10 m.

The lot is 23 m wide, and the subdivision requirement for lot width is 3 m short to allow this. A variance for one half of the frontage for subdivision is requested. The proposed site design would require a right-of-way for shared driveway access.

This design minimizes impacts on neighbours by condensing the footprint and meeting the height regulation with only two storeys at the rear, resembling a single-family detached form. Each dwelling has private outdoor space, a sloped roof for solar integration, and ample parking while keeping with the surrounding environment. This proposal aligns with the Official Community Plan for sustainable and affordable medium-density infill development utilizing existing infrastructure while providing both homeownership and rental suites, contributing to housing diversity. The requested variance would allow the project to apply for the subdivision, as shown in Figure 2.



Figure 2 – Proposed Site Plan

### Site and Context

The subject property is located north of Gibsons Way, as shown in Figure 3. There are also existing concerns with both the slope of the driveway and access to Gibsons Way as it is today. The applicant has stated that this site plan reduces the slope of the driveway and provides safe, unobstructed access onto Gibsons Way.

The applicant has changed the entrance of the driveway lengthening it to allow a more gradual slope which requires cleaning up all the brush and debris at the new entrance for a safe unobstructed access point.



Figure 3 – Street View of

## DISCUSSION

### Zoning Bylaw 1342

The subject property is zoned Low Density Residential Zone (RL-1), which permits up to 4 dwellings on lots greater than 280 m<sup>2</sup>. Therefore, the proposed triplexes would be permitted on each proposed lot (with lot areas of 400 m<sup>2</sup> and 529 m<sup>2</sup>). The applicant is requesting the following variances to Zoning Bylaw No. 1342, 2025:

- A variance to Section 2.2.1.8.5 to reduce the minimum lot width for an interior lot without a rear lane from 13 m to 10 m.

For reference, below is a snip of the subdivision requirements in the RL-1 zone, with the highlighted sections that apply to this property:

<p>8. Subdivision Requirements</p> <p>8.1. The minimum Lot Area is 280 m<sup>2</sup>.</p> <p>8.2. The minimum Lot Depth is 25 m.</p> <p>8.3. The minimum Lot Width for an interior Lot with a rear Lane is 10 m.</p> <p>8.4. The minimum Lot Width for a corner Lot with a rear Lane is 12 m.</p> <p>8.5. The minimum Lot Width for an interior Lot with no rear Lane is 13 m.</p> <p>8.6. The minimum Lot Width for a corner Lot with no rear Lane is 15 m.</p>
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### Variance Request and Rationale

To split the property into two, the variance is required. This lot requires a 26 m width to subdivide without a variance; however, it has a 23 m width, which is 3 m shy. This lot has plenty of depth and lot area to meet the overall size requirement otherwise.

The proposed shared driveway access would require an easement.

The site plan is enclosed with this report as *Attachment A*.

### Council Policy 3.9

Council Policy 3.9 provides a framework for Council to assess variance requests. Staff have reviewed the proposal at 565 Gibsons Way with the Policy's criteria as outlined below:

- (1) *The request is not within the jurisdiction of the Board of Variance;*

Section 540 of the Local Government Act, an application to the Board of Variance is to vary or exempt an individual to relieve hardship. The applicants have not requested a Board of Variance Order.

- (2) *The same request has not been previously denied by the Board of Variance;*

The application has not been presented to the Board of Variance.

*(3) The variance will not result in significant negative impacts on neighbouring properties;*

While a similar application was considered previously and was rejected by Council due to neighbourhood concerns regarding density and height, this proposal is slightly different in that the height is lower. The original proposal was evaluated under the former Cluster Residential (RCL) zone, where the calculated building height was 8.9 m—exceeding the 8.5 m maximum—and the zoning framework at the time did not anticipate small-scale multi-unit housing. Since that decision, the Province has introduced Bill 44, which requires municipalities to permit small-scale, multi-unit housing (e.g., duplexes, triplexes, fourplexes) on residential lots. The Town has updated its zoning to align with this direction, and the applicant’s proposal for six units across two lots is consistent with the intent of introducing low-scale, “missing middle” housing. The new site plan and design addresses those concerns and with this lot size it would comply with the new bylaw both for density and height. The structure on this site plan has been designed into the landscape as opposed to 3 storeys on top of the property lowering the height by a full storey.

While any variance has the potential to affect neighbouring properties, staff find that the proposed design remains compatible with the established neighbourhood character and aligns with the objectives of the updated zoning regulations to support ‘missing middle’ housing. The scale and form of development anticipated under the current zoning framework are maintained, and the shared-access layout supports functional site design. Based on this context, staff do not expect the variance to result in significant negative impacts on adjacent properties.

*(4) There is a demonstrated need for the variance in order to permit reasonable use of the property;*

The property can reasonably be used as a residential property without the variance. The variance is required to effectively facilitate a subdivision in order to allow for more small-scale multi-unit housing. Without the variance, the owner could build up to 4 homes. The variance would allow the property to be subdivided, effectively allowing up to 4 homes on each proposed lot and doubling the density, and the number of potential small-scale, multi-unit homes.

*(5) The overall intent of the original bylaw requirement or standard is not compromised;*

The purpose of the variance request is to facilitate a future subdivision that would allow the applicant to build more homes.

The intent of the 13 m lot width is to ensure there is sufficient access to each proposed lot, however, reducing this width and sharing an access easement is a creative way to maintain sufficient access. The minimum lot width regulation also ensures functional site design, including adequate parking access, a reasonable and safe buildable envelope, appropriate spacing between structures, and sufficient fire access.

Although the proposed subdivision does not meet the minimum lot width requirement, the shared-access design provides an alternative means of achieving these objectives. As a result, the proposal is considered capable of meeting the underlying intent of the regulation.

- (6) *The variance does not appear to establish a precedent for other properties but responds to a site-specific situation or difficulty.*

Staff note that the variance request is driven by the applicant’s intention to subdivide the property in order to create an additional lot and, consequently, additional dwelling units permitted under the RL-1 zone.

Approving the variance may therefore create an expectation that similar reductions to siting regulations could be considered for future subdivision proposals. While each application must be evaluated on its own merits, this decision has the potential to influence how the standard is interpreted going forward.

- (7) *As per the (Municipal Act) Local Government Act provisions, does not result in a change in land use or an increase in permitted density;*

While approval of the variance would enable a future subdivision that may result in a greater number of dwelling units being developed across two lots, any increase in the number of units would occur as a result of subdivision approval and compliance with the zoning regulations applicable to each resulting lot, rather than through the variance itself. Council retains full discretion at the variance stage, and all future development remains subject to the density, siting, and building regulations of the Zoning Bylaw.

- (8) *The variance results in suitable development that is an asset and compatible in the context of surrounding uses;*

Staff finds that the development resulting from the variance can be considered an asset, as it would allow the site to developed for low density, ground-oriented residential uses at a scale compatible.

- (9) *In the case of variance of specific development standards for off-site servicing, that any additional costs that may be incurred by the municipality or future landowners are considered.*

This isn’t a variance for off-site servicing.

**Referral Comments**

The application was referred to the Infrastructure department, the Gibsons and District Volunteer Fire Department, the Approving Officer and the Building department for comment.

Referral	Comments
Infrastructure	- Development Cost Charges payment required for newly created lot, as per Bylaw 1329. \$48,621.54 (charge for Low-Density Residential-zoned lot) - Prowse Road Lift Station and Force Main Excess Services latecomer payment required for newly created lot. The charge is \$2,929.74 plus added interest, which is

	<p>calculated closer to the date of payment.</p> <ul style="list-style-type: none"> <li>- Frontage works not required for Single-Family or Two-Family Residential subdivision, with the exception of Stormwater Best Management Practices, Driveway and Driveway Crossing requirements according to Town of Gibsons Bylaw 1175.</li> <li>- Existing driveway to 565 Gibsons Way is at and/or crossing the southern property line onto 559 Gibsons Way. As per Bylaw 1175, "No Driveway Crossing shall be any closer than 1.5 metres from the adjoining Parcel boundary."</li> <li>- Both lots require storm, water, and sanitary servicing-- upgrades may be required to existing servicing if the services are not up to the standards set out in Bylaw 1175.</li> <li>- Easement required for shared access driveway</li> </ul>
GDVFD	Ensure the minimum access requirements for the BCBC and BCFC are met.
Approving Officer	No concerns.
Building	Additional Building Code requirements apply to buildings containing dwelling units above other dwelling units, which may impact the proposed design and the associated variance. The developer has been made aware of these considerations. With respect to the proposed reduction in lot width, the Building Division has no further concerns, provided that any future development is designed in full compliance with the Building Code.

**Conclusion**

Staff find that the extent of the potential impact of the variance would be minor in the context of the planned development. The proposal would allow the applicant to pursue a subdivision for the lot and create a total of 6 units between the two planned lots.

**Communication**

The *Local Government Act* requires neighbours to be notified of the application, and the date Council will decide on it. The Town’s *Development Application Procedures Bylaw No. 1166, 2014* requires letters to be delivered to neighbours within 50 m of the property. These letters were sent on April 24, 2026. A notification sign has also been posted on the property.

**NEXT STEPS**

Should the variance be approved, the applicant can pursue the proposed subdivision design. If the variance is denied, the applicant will be required to redesign.

**RECOMMENDATIONS / ALTERNATIVES**

**Option 1: Approve DVP Request**

*THAT the issuance of DVP-2026-02 be authorized, reducing the minimum lot width for an interior lot without a rear lane from 13 m to 10 m.*

**Option 2: Deny DVP Request**

*THAT DVP-2026-02, reducing the minimum lot width for an interior lot without a rear lane from 13 m to 10 m, be denied.*

**Attachments**

- Attachment A – 565 Gibsons Way Site Plan
- Attachment B – Draft Development Variance Permit

Respectfully Submitted,

Megan Uglem  
Planner I

X	Chief Administrative Officer
	Director of Corporate and Legislative Services
X	Corporate Officer
	Director of Finance
	Director of Infrastructure Services
X	Director of Planning and Development

# SUBDIVISION OF 565 GIBSONS WAY INTO 2 LOTS





# DEVELOPMENT VARIANCE PERMIT

FILE NO: DVP-2026-02

TO: [REDACTED]

ADDRESS: [REDACTED]

- 1) This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Town of Gibsons applicable thereto, except those specifically varied or supplemented by this Permit.
- 2) The Development Variance Permit applies to those "lands" within the Town of Gibsons described below:  
**Parcel Identifier: 010-295-828**  
**Legal Description: Lot B Plan VAP7910 Block 2 District Lot 686**  
**Civic Address: 565 Gibsons Way, Gibsons**
- 3) *Zoning Bylaw 1342, 2025*, enacted under Section 498 of the *Local Government Act* is varied or supplemented as follows:
  - *A variance to Section 2.2.1.8.5 to reduce the minimum lot width for an interior lot without a rear lane from 13 m to 10 m.*
- 4) The "lands" described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part thereof; specifically:
  - a) 565 Gibsons Way Subdivision Site Plan (simple)
- 5) If the Permittee does not commence the development permitted by this Permit within twenty-four months of the date of this Permit, this Permit shall lapse.
- 6) This Permit is NOT a Building Permit.

AUTHORIZING COUNCIL RESOLUTION R2026-XX PASSED THE XX DAY OF XXXX 2026.  
ISSUED THIS XX DAY OF XXXX 2026.

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Silas White, Mayor

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Tracey Hincks, Corporate Officer